



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

Washington, D.C. 20460

OFFICE OF  
GENERAL COUNSEL

April 28, 2020

Michael Aten  
2685 S. Dayton Way #12  
Denver, CO 80231

**Re: Freedom of Information Act Request –Closing Out Requests for Failure to Provide Assurance of Payment for # EPA-HQ-2020-001887; EPA-HQ-2020-001888; EPA-HQ-2020-001889; EPA-HQ-2020-001890; EPA-HQ-2020-001891; EPA-HQ-2020-001892; EPA-HQ-2020-001893; EPA-HQ-2020-001894; EPA-HQ-2020-001895; EPA-HQ-2020-001896; EPA-HQ-2020-001937; EPA-HQ-2020-001938; EPA-HQ-2020-001939; EPA-HQ-2020-001940; EPA-HQ-2020-001941; EPA-HQ-2020-001942; EPA-HQ-2020-001943; EPA-HQ-2020-001944; EPA-HQ-2020-001945; EPA-HQ-2020-001946**

Dear Mr. Aten:

This letter concerns the above-referenced Freedom of Information Act (FOIA) requests, received by the U.S. Environmental Protection Agency (EPA), National FOIA Office (NFO) on December 23, 2019, and December 30, 2019, in which you are seeking the following records, with attachments for each request:

*“For each of the contracts listed in Attachment I hereto and identified by procurement instrument identifier (PIID), parent award identifier (PAID), approximate commencement date, contracting office, contractor name and DUNS number, and, where known, solicitation identifier, please provide, to the extent not exempted from disclosure by statute: 1) a copy of the contract; 2) a copy of the contractor’s successful bid, proposal, or quote; 3) a copy of the solicitation, request for proposals, or RFQ in response to which the contractor’s bid, proposal, or quote was submitted; and 4) copies of any other bids, proposals, or quotes submitted in response to such solicitation, request for proposals, or RFQ. Please produce responsive records in electronic format. A waiver of the fees associated with such production is being requested. Should such waiver be denied, I agree to pay fees of up to \$25.00, and in the event the amount of fees is anticipated to exceed such amount, I request that I be provided with an estimate of production costs.”*

EPA made several attempts to contact you by email to discuss these requests since December 30, 2019 but have not heard back from you. All requests were placed on hold until that we could speak with you to better understand the requests and discuss the time and costs

associated with processing these requests. EPA received your requests for a fee waiver and determination letters were sent to you on April 6, 2020. After thoroughly reviewing your requests for fee waivers, we determined that you had not presented sufficient evidence for waivers of applicable fees. Therefore, your fee waiver requests were denied.

EPA could not begin processing your requests until you approved a fee limit increase approving the costs associated with processing each request. You had only authorized a \$25.00 fee limit for each request and the agency has reached the fee limit. On April 13, 2020, EPA sent you a list with each request referenced above and the estimated costs associated with processing each request. We notified you that If EPA did not receive a response from you by April 27, 2020, The National FOIA Office would close out the requests because EPA is unable to process the requests without an assurance of payment for a higher fee limit for each request.

As of the date of this letter, we have received no response from you. Therefore, we are issuing a final determination and closing your request. If you would like to resubmit a Freedom of Information Act request, please refer to the instructions available on EPA's FOIA website at: <https://www.epa.gov/foia>.

This letter concludes our response to your request. You may appeal this response by email at [hq.foia@epa.gov](mailto:hq.foia@epa.gov), or by mail to the EPA's National FOIA Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2310A), Washington, DC 20460 or through FOIAonline if you are an account holder. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1200 Pennsylvania Avenue, N.W., Room 5315, Washington, DC 20460. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals *received* after the 90-calendar-day limit. Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal."

Additionally, you may seek assistance from the EPA's FOIA Public Liaison at [hq.foia@epa.gov](mailto:hq.foia@epa.gov) or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, MD 20740-6001; e-mail, [ogis@nara.gov](mailto:ogis@nara.gov); telephone, (202) 741-5770 or (877) 684-6448; and facsimile, (202) 741-5769. For all media inquiries, please contact EPA's Office of Public Affairs at [press@epa.gov](mailto:press@epa.gov).

Cordially,

Timothy R. Epp  
Associate General Counsel  
National FOIA Office